

# CITY OF HUXLEY

TUESDAY – OCTOBER 11, 2016 – HUXLEY CITY HALL

CITY COUNCIL MEETING – 6:00 PM

PUBLIC NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL OF THE CITY OF HUXLEY, IOWA, WILL MEET AT THE HUXLEY CITY HALL 515 N. MAIN AVE., HUXLEY, IOWA, FOR THEIR REGULAR COUNCIL MEETING AT 6:00 PM ON TUESDAY THE 11<sup>TH</sup> DAY OF OCTOBER, 2016 TO DISCUSS THE MATTERS ENUMERATED IN THE AGENDA LISTED BELOW.

## ROLL CALL – QUORUM PRESENT

- 1.00) COMMENTS FROM THE PUBLIC AND RECEIVING OF PETITIONS AND/OR WRITTEN COMMUNICATIONS TO THE CITY COUNCIL ON AGENDA AND NONAGENDA ITEMS.
- 2.00) PRESENTATION(S): NONE
- 3.00) PROCLAMATION(S): NONE
- 4.00) CONSENT AGENDA:

ALL ITEMS LISTED WITHIN THIS SECTION ARE CONSIDERED TO BE ROUTINE BY THE CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OR ACTION ON THESE ITEMS UNLESS A COUNCIL MEMBER OR CITIZEN SO REQUESTS, IN WHICH EVENT, THE ITEM WILL BE REMOVED FROM THE GENERAL ORDER OF BUSINESS. AND CONSIDERED SEPARATELY.

- 4.01) TO APPROVE THE MINUTES FROM THE FOLLOWING MEETINGS:  
September 27, 2016 -- Regular Council Meeting
- 4.02) TO APPROVE FINANCIAL REPORTS AND PAYMENT OF BILLS.
- 4.03) TO APPROVE BEER, WINE AND LIQUOR LICENSES AND CIGARETTE PERMITS/ RENEWALS.
- 5.00) PUBLIC HEARING(S); NONE

## AGENDA ITEMS:

- 6.00) COMMUNITY BETTERMENT:
  - 6.01) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 16-068 APPROVING CHANGE OF USE FROM MULTIFAMILY RESIDENTIAL DISTRICT TO SINGLE FAMILY AND DUPLEX RESIDENTIAL USE FOR LOT 52 IN PRARIE RIDGE PLAT 1 P.U.D. TABLED
- 7.00) PUBLIC SAFETY: NONE
- 8.00) FINANCE:
  - 8.05) DISCUSSION AND POSSIBLE ACTION ON SECOND READING OF ORDINANCE NO. 454 PROVIDING FOR THE DIVISION OF TAXES LEVIED ON CERTAIN TAXABLE PROPERTY. POSSIBLE WAIVING OF THE THIRD READING.

8.06) DISCUSSION AND POSSIBLE ACTION ON SECOND READING OF ORDINANCE NO. 455 AMENDING CHAPTER 93 OF THE CITY OF HUXLEY MUNICIPAL CODE CONCERNING WATER RATES AND AMENDING CHAPTER 99 OF THE CITY OF HUXLEY MUNICIPAL CODE CONCERNING SEWER SERVICE CHARGES. POSSIBLE WAIVING OF THE THIRD READING.

9.00) LEISURE ACTIVITIES: NONE

10.00) ADMINISTRATIVE BUSINESS:

10.01) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 16-077 APPROVING FENCE ENCROACHMENT AGREEMENT. **TABLED**

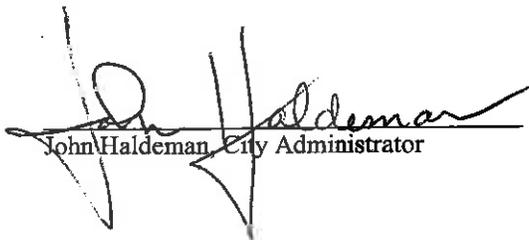
10.02) DISCUSSION AND POSSIBLE ACTION ON MOTION REGARDING MEADOW LANE PLAT #2.

**COMMENTS FROM STAFF, COUNCIL AND MAYOR.**

**ADJOURNMENT**

WORKSESSION: NONE

THIS NOTICE IS HEREBY GIVEN AT LEAST 24 HOURS PRIOR TO THE COMMENCEMENT OF THE MEETING SPECIFIED ABOVE. THIS WAS DONE BY ADVISING THE NEWS MEDIA WHO HAVE FILED A REQUEST FOR NOTICE AND BY POSTING THE NOTICE ON THE WINDOW IN THE LOBBY AREA IN CITY HALL THAT IS ACCESSIBLE AND VIEWABLE TO THE PUBLIC. THIS WAS ALL PURSUANT TO CHAPTER 21 OF THE CODE OF IOWA.

  
John Haldeman, City Administrator

**DEPARTMENT  
MONTHLY  
REPORTS**

Huxley Police Department  
City Of Huxley  
September 2016  
Monthly Report

9/3/2016 12:15 AM Officer was asked to do a welfare check at the 500 block of E 4<sup>th</sup> St. A Huxley resident was transported to a hospital for treatment.

9/3/2016 11:20 PM Officer stopped a vehicle for a traffic violation at on Highway 69 near National Drive. The driver of the vehicle, a 32 year old Kent, IA man, was arrested for OWI. He was transported to the Story County Jail in Nevada.

9/4/2016 7:30 PM Officer responded to a domestic altercation at the 200 block of Oak Blvd. The altercation was verbal and the male half left prior to police arrival.

9/5/2016 5:38 PM Officer responded to a car vs. bike confrontation on W 1<sup>st</sup> near E 5<sup>th</sup> Street. A Slater man and Urbandale who were involved in the altercation we separated and advised to go their separate ways.

9/9/2016 9:07 AM Officer received a theft complaint from a Huxley resident at the 400 block of North Park Blvd. A piece of mail was possibly taken from a mailbox that had a value of \$250. The Post Office was contacted and the investigation is ongoing.

9/10/2016 3:19 AM Officer stopped a vehicle for a traffic violation on Highway 69 near E 5<sup>th</sup> Street. The driver of the vehicle, a 22 year old Ankeny woman, was arrested for OWI 1<sup>st</sup>. She was transported to the Story County Jail in Nevada.

9/12/2016 5:44 PM Officer arrested a Sheldahl woman at the Ballard High School for Public intoxication and Interference With Official Acts. She was transported to the Story County Jail in Nevada.

9/13/2016 6:20 PM Officer responded to an altercation at the 300 block of Main. The altercation was over the sale of a vehicle and both parties were separated. The potential buyer was advised to remain off the property and not contact the seller any further.

9/15/2016 6:15 PM Officer responded to a single vehicle accident at Interstate 35 and Highway 210. No injuries. The driver of the vehicle, a 54 year old Des Moines man, was suspended from driving. He was cited and released for Driving Under Suspension.

9/16/2016 12:40 PM Officer responded to the intersection of 5<sup>th</sup> Ave and W 1<sup>st</sup> Street for a two vehicle accident. Two vehicles collided in the middle of the intersection causing approximately \$750 in damage. No injuries.

9/18/2016 7:41 AM Officer responded to an unattended death at the 500 block of Timberlane. A 62 year old man passed away while home. After investigation of the scene and body by the officer and the Medical Examiner it was determined that the death was ruled as health related.

9/18/2016 11:26 AM Officer received a report at the 500 block of 2<sup>nd</sup> of a vehicle that was damaged by a bicycle that was parked behind the vehicle and fell over hitting the rear bumper causing approximately \$200 in damage.

9/20/2016 6:45 AM Officer responded to a two vehicle accident on Highway 210 near Interstate 35. A vehicle operated by a Maxwell man was rear ended by a vehicle operated by a Nevada man causing approximately \$13,000 in damage. No injuries.

9/21/2016 2:30 AM Officer responded to a business at the 900 block of Highway 69 for a theft. Two Huxley males aged 16 and 18 were caught taking two sodas valued at \$1.17 each. The business declined charges and agreed to have the products paid for and the two males are not allowed to enter the business again.

9/21/2016 8:00 AM Officer took a theft report at the 700 block of Crestwood. A light bar mounted on a vehicle valued at \$300 was taken while the vehicle was parked overnight.

9/22/2016 7:28 AM Officer took a burglary report at a construction site on Blue Sky Blvd. Approximately \$900 in property such as tools was taken from the site.

9/23/2016 11:30 PM Officer responded to a domestic altercation near Kelley. The altercation was verbal in nature and both parties agreed to cohabitate for the remainder of the night with no further problems.

9/26/2016 2:30 PM Officer was called to the Ballard Middle School for an assault. After making contact with involved Ballard students and parents, a Ballard juvenile was referred into Juvenile Court for Serious Assault. He was released to a guardian.

9/26/2016 4:50 PM Officer responded to a two vehicle accident at the intersection of Campus and Highway 69. A vehicle operated by a Cheboygan, WI woman was struck as she was attempting to make a left turn by an oncoming vehicle. The accident caused approximately \$10,000 in damage. No injuries.

9/28/2016 8:43 AM Officer arrested a 31 year old Ames man who had a warrant for his arrest. He was transported to the Story County Jail in Nevada.

9/30/2016 5:00 PM Officer stopped a vehicle for a traffic violation on E 1<sup>st</sup> near Sandcherry. The driver of the vehicle, a 37 year old rural Huxley woman, had a warrant for her arrest and also was suspended from driving. She was transported to the Story County Jail in Nevada.

Huxley Officers had nine arrests for the month. Two were for OWI, two were for Driving Under Suspension, one for Assault, one for Public Intoxication, one for Interference With Official Acts, and one warrant served. Officers issued eighteen citations for traffic offenses and gave seventy six warnings. Officers received 198 calls for service and had 447 contacts for the month. Officers used 257.25 hours toward investigations, answering calls, or providing service and gave 405.75 hours of general patrol.

Mark Pote

A handwritten signature in black ink, appearing to read 'M. Pote', written over the printed name 'Mark Pote'.

Chief of Police

| Monthly Aggregate      | January      | February      | March        | April         | May        | June          | July       | August     | September  | October  | November | December | Yearly Aggregate |
|------------------------|--------------|---------------|--------------|---------------|------------|---------------|------------|------------|------------|----------|----------|----------|------------------|
| Arrests                | 6            | 4             | 7            | 5             | 5          | 14            | 10         | 4          | 9          | 0        | 0        | 0        | 64               |
| Traffic Citations      | 21           | 13            | 34           | 17            | 15         | 26            | 15         | 18         | 18         | 0        | 0        | 0        | 177              |
| Traffic Warnings       | 37           | 56            | 127          | 88            | 75         | 62            | 67         | 63         | 76         | 0        | 0        | 0        | 651              |
| Parking Tickets        | 5            | 15            | 7            | 3             | 1          | 1             | 5          | 3          | 5          | 0        | 0        | 0        | 45               |
| Alcohol- 02            | 0            | 0             | 0            | 1             | 0          | 0             | 0          | 0          | 0          | 0        | 0        | 0        | 1                |
| Alcohol- Consumption   | 5            | 18            | 13           | 12            | 16         | 12            | 16         | 22         | 13         | 0        | 0        | 0        | 127              |
| Alcohol-Open Container | 0            | 0             | 0            | 0             | 0          | 0             | 0          | 0          | 0          | 0        | 0        | 0        | 0                |
| Alcohol-Possession     | 0            | 0             | 0            | 0             | 0          | 5             | 0          | 0          | 0          | 0        | 0        | 0        | 5                |
| Alcohol-Pub. Intox     | 0            | 0             | 0            | 0             | 0          | 0             | 0          | 0          | 1          | 0        | 0        | 0        | 1                |
| Alcohol-OWI            | 2            | 1             | 3            | 0             | 1          | 3             | 1          | 2          | 1          | 0        | 0        | 0        | 14               |
| Animal Call            | 7            | 9             | 10           | 11            | 8          | 19            | 12         | 4          | 11         | 0        | 0        | 0        | 91               |
| Assaults               | 3            | 3             | 0            | 0             | 3          | 1             | 2          | 1          | 2          | 0        | 0        | 0        | 15               |
| Assist Fire/Med/Co     | 28           | 19            | 25           | 35            | 29         | 20            | 26         | 40         | 28         | 0        | 0        | 0        | 250              |
| Assist Motorist        | 9            | 8             | 8            | 14            | 9          | 8             | 19         | 13         | 13         | 0        | 0        | 0        | 101              |
| Burglary               | 0            | 0             | 3            | 2             | 1          | 0             | 0          | 1          | 1          | 0        | 0        | 0        | 8                |
| Child Abuse            | 0            | 0             | 0            | 0             | 2          | 1             | 0          | 0          | 0          | 0        | 0        | 0        | 3                |
| Civil Dispute          | 7            | 5             | 8            | 6             | 8          | 4             | 6          | 2          | 8          | 0        | 0        | 0        | 54               |
| Criminal Mischief      | 0            | 1             | 0            | 1             | 1          | 1             | 0          | 2          | 3          | 0        | 0        | 0        | 9                |
| D, P & Q               | 5            | 3             | 5            | 7             | 4          | 3             | 5          | 5          | 4          | 0        | 0        | 0        | 41               |
| Drug Paraphernalia     | 0            | 0             | 2            | 0             | 1          | 0             | 0          | 0          | 1          | 0        | 0        | 0        | 7                |
| Disorderly Conduct     | 1            | 3             | 0            | 5             | 5          | 2             | 2          | 1          | 3          | 0        | 0        | 0        | 22               |
| Domestic               | 2            | 4             | 0            | 3             | 18         | 4             | 4          | 3          | 3          | 0        | 0        | 0        | 38               |
| Harassment             | 6            | 2             | 1            | 1             | 4          | 4             | 10         | 4          | 4          | 0        | 0        | 0        | 36               |
| Info. Call             | 143          | 137           | 170          | 169           | 143        | 170           | 171        | 179        | 198        | 0        | 0        | 0        | 1480             |
| Mental Patient         | 2            | 2             | 3            | 1             | 1          | 2             | 4          | 1          | 8          | 0        | 0        | 0        | 24               |
| Missing Person         | 0            | 0             | 0            | 0             | 3          | 0             | 3          | 1          | 2          | 0        | 0        | 0        | 9                |
| Sex Abuse              | 1            | 0             | 0            | 0             | 1          | 0             | 0          | 0          | 0          | 0        | 0        | 0        | 2                |
| Susp/Rev/Barred Driver | 0            | 0             | 1            | 1             | 1          | 0             | 1          | 2          | 1          | 0        | 0        | 0        | 7                |
| Susp. Person           | 9            | 3             | 7            | 5             | 9          | 13            | 14         | 9          | 8          | 0        | 0        | 0        | 77               |
| Susp. Vehicle          | 7            | 3             | 5            | 4             | 0          | 7             | 13         | 11         | 3          | 0        | 0        | 0        | 53               |
| Traffic Call           | 14           | 13            | 20           | 16            | 20         | 19            | 21         | 15         | 14         | 0        | 0        | 0        | 152              |
| Traffic Accident       | 3            | 5             | 4            | 2             | 4          | 3             | 7          | 3          | 4          | 0        | 0        | 0        | 35               |
| Trespass               | 1            | 0             | 0            | 0             | 1          | 0             | 0          | 0          | 0          | 0        | 0        | 0        | 2                |
| Theft                  | 5            | 4             | 2            | 3             | 3          | 4             | 5          | 7          | 4          | 0        | 0        | 0        | 37               |
| Unattended Death       | 1            | 1             | 0            | 0             | 1          | 0             | 0          | 0          | 1          | 0        | 0        | 0        | 4                |
| <b>Total Contacts</b>  | <b>330</b>   | <b>332</b>    | <b>465</b>   | <b>412</b>    | <b>392</b> | <b>409</b>    | <b>436</b> | <b>419</b> | <b>447</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>3642</b>      |
| Investigations         | 39           | 37.25         | 18.25        | 12.5          | 17.25      | 14.5          | 20         | 15.5       | 23.5       | 0        | 0        | 0        | 197.75           |
| On-Call                | 0            | 0             | 0            | 4             | 0          | 0             | 0          | 0          | 0          | 0        | 0        | 0        | 4                |
| Office / Other         | 199.5        | 215.75        | 246.5        | 237.15        | 226.75     | 207.75        | 232.5      | 212.25     | 233.75     | 0        | 0        | 0        | 2011.9           |
| Patrol / SRO           | 468          | 399.75        | 498.75       | 462.5         | 449        | 447.4         | 464.5      | 465.25     | 405.75     | 0        | 0        | 0        | 4060.9           |
| <b>Total Hours</b>     | <b>706.5</b> | <b>652.75</b> | <b>763.5</b> | <b>716.15</b> | <b>693</b> | <b>669.65</b> | <b>717</b> | <b>693</b> | <b>663</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>6274.55</b>   |

# COMMUNICATIONS

# 2017 Ballard Post Prom

Plans are well underway for the April 29, 2017 Ballard Community School Post Prom Party!

Post Prom is a supervised, *alcohol-free, drug-free* event immediately following the Prom. The safety of our high school students is a top priority so we are planning a fun filled night at the Ballard High School Gym with entertainment, prizes, games, and refreshments. Plus there will be lots of laughter, fun and memories!!

Post prom's success is because the night is sponsored, organized, paid for, chaperoned, and managed by our parents and community...in other words **YOU!**

**OUR STUDENTS NEED YOUR SUPPORT!** Because this event is self-funded, we are asking you to invest in our students by making a donation to this event. All money raised is used exclusively for the Ballard Post Prom. **All sponsors will receive recognition in the school newsletter and all post prom publications.**

**THANK YOU FOR YOUR SUPPORT**

**2017 Post Prom Committee**  
**"Creating Safe & Fun Memories"**



The Ballard Post Prom is a non-profit organization.  
This donation may be tax deductible. For these purposes, our Federal Tax ID # is 42-138175

## Ballard Post Prom Sponsor

\_\_\_\$50      \_\_\_\$100      \_\_\_\$150      \_\_\_\$200      \_\_\_\$500      \$\_\_\_ Other

Name: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Please mail bottom portion back with your donation to:  
Please make checks payable to 'Ballard Post Prom'

Ballard Post Prom  
Attn: Tracy Stoltz  
PO Box 307  
Huxley, IA 50124

# CONSENT AGENDA

**Huxley City Council Minutes  
Tuesday, September 27, 2016**

These minutes are as recorded by the City Clerk and are subject to City Council approval at the next regular council meeting.

**COUNCIL MEETING:** The Huxley City Council met in a regular council meeting on the above date pursuant to rules of the council, notice posted at city hall, posted on website and emailed to news media. Mayor Henry called the meeting to order at 6:03 pm.

**COUNCIL MEMBERS PRESENT:** Kuhn, Hemmen, Deaton, Jensen, Roberts

**CITY STAFF PRESENT:** John Haldeman-City Administrator, Jolene Lettow- City Clerk, Mark Pote – Police Chief

**GUESTS PRESENT:** Paul Frey, Nate Boock

**Proclamation:** Mayor Henry read proclamation recognizing October 16-22, 2016 as National Friends of Libraries Week.

**CONSENT AGENDA:**

*MOTION-Hemmen, Second - Roberts to Approve the Following Items from the Consent Agenda*

- September 13, 2016 Council Meeting
- Financial Reports and Payment of Bills

|                              |                                |           |
|------------------------------|--------------------------------|-----------|
| • 2ND WIND EXERCISE EQUIPMEN | PRO-ELITE AB CRUNCHER          | 721.28    |
| • BOUND TREE MEDICAL         | MEDICAL SUPPLIES               | 256.23    |
| • BRICK GENTRY BOWERS SWARTZ | LEGAL FEES                     | 3,090.00  |
| • BUD'S AUTO REPAIR INC      | OIL CHANGE ON 2016 FORD F450   | 152.24    |
| • CENTRAL PUMP & MOTOR, LLC  | FIELD LABOR AND GR VALVES      | 1,512.50  |
| • CINTAS CORPORATION         | FIRST AID SUPPLIES FOR 3C'S    | 152.34    |
| • COMPASS MINERALS AMERICA   | COURSE ROCK SALT               | 3,259.45  |
| • CONSUMERS ENERGY           | CONSUMERS ENERGY               | 9,131.48  |
| • CONTECH ENGINEERED SOLUTIO | CENTENNIAL PARK TILE           | 278.36    |
| • DOLLAR GENERAL CORPORATION | WATER AND SNACKS               | 152.68    |
| • ECMC                       | GARNISH-JOHN WESSELMANN -2749  | 2.50      |
| • EMERGENCY MEDICAL PRODUCTS | MEDICAL SUPPLIES               | 475.37    |
| • GREENLAND HOMES            | BLDG PERMIT DEPOSIT REFUND     | 1,000.00  |
| • HAWKINS, INC.              | MISC. WATER CHEMICALS          | 1,785.33  |
| • HEATHER DENGER             | POUND FIT CERT                 | 124.50    |
| • INTERNAL REVENUE SERVICE   | FED WITHOLDING TAX             | 10,244.69 |
| • INTERSTATE ALL BATTERY CEN | RECHARGEABLE BATTERY           | 45.00     |
| • INTERSTATE BATTERIES       | BATTERIES                      | 123.60    |
| • IOWA ASSN. MUN. UTILITIES  | OSHA 300 CLASS TRAINING        | 99.00     |
| • IOWA DOT                   | SNOW PLOW FOR '90 DUMP         | 850.00    |
| • IOWA PRISON INDUSTRIES     | "SLOW CHILDREN AT PLAY" SIGN   | 61.80     |
| • JOSIAH KALLIO              | YOUTH SOCCER REFEREE           | 100.00    |
| • KEYSTONE LABORATORIES      | WASTEWATER TESTING             | 127.70    |
| • MARCO, INC.                | B/W AND COLOR COPIES           | 250.44    |
| • MARTIN MARIETTA MATERIALS  | ROAD STONE                     | 290.00    |
| • MARY GREELEY MEDICAL CENTE | TIER                           | 200.00    |
| • MERCY MEDICAL CENTER       | TIER                           | 217.25    |
| • MIDWEST UNDERGROUND        | SHARPEN CHIPPER KNIFES         | 83.60     |
| • MUNICIPAL SUPPLY           | 3/4" CURB BOX VALVE            | 75.50     |
| • MURPHY EXCAVATING & GRADIN | BACKHOE TIME & SUPPLIES        | 566.08    |
| • NATALIE DAILEY             | CYCLE 360 CLASS REFUND         | 52.00     |
| • OXEN TECHNOLOGY            | MICROSOFT EXCHANGE ONLINE      | 84.00     |
| • PCC AN AMBULANCE BILLING S | AUGUST AMBULANCE BILLING       | 581.23    |
| • PEPSI-COLA                 | VENDING PRODUCT                | 593.47    |
| • POSTMASTER                 | POSTMASTER                     | 100.00    |
| • QUICK'S HARDWARE HANK      | SEE ATTACHED                   | 374.34    |
| • SAFE BUILDING COMPLIANCE & | BUILDING INSPECTIONS           | 2,328.63  |
| • SHAWN MORGAN               | SCOREBOARD WELDING AT CENT PRK | 100.00    |

|                              |                               |                  |
|------------------------------|-------------------------------|------------------|
| • STAPLES ADVANTAGE          | RETURN OF HANGING FILES       | 13.99            |
| • TASC                       | FLEX BENEFIT PLANS            | 570.80           |
| • THE SHERWIN-WILLIAMS CO.   | PAINT FOR SOCCER FIELDS       | 159.00           |
| • TK CONCRETE, INC.          | HOIT PROJECT PARTIAL PAY NO 1 | 22,387.60        |
| • UTILITY EQUIPMENT COMPANY  | 3/4" COUPLING                 | 19.35            |
| • VERIZON WIRELESS           | AMBULANCE CELL PHONES         | 555.82           |
| • VISA                       | SEE ATTACHED                  | 1,712.37         |
| • WINDSTREAM IOWA COMMUNICAT | PD PHONE AT DISPATCH          | 140.03           |
| PAYROLL EXPENSE              |                               | <u>45,901.96</u> |
| TOTAL                        |                               | \$111,103.51     |

Roll Call: Kuhn, Hemmen, Jensen, Roberts, Deaton voted yes. Motion carried.

MOTION – Hemmen, Second – Deaton on Resolution No. 16-073 to Approve the Fiscal Year 2016 Annual Street Finance Report. Roll Call: Jensen, Kuhn, Deaton, Roberts, Hemmen voted yes. Motion carried.

MOTION – Kuhn, Second – Jensen on Resolution No. 16-074 to Approve the Certification of Cost of Repairs to Curb Box to Story County Treasurer. Roll Call: Jensen, Kuhn, Deaton, Roberts, Hemmen voted yes. Motion carried.

MOTION – Hemmen, Second – Jensen on Resolution No. 16-075 to Approve the Modifications to the LMI Home Repair Assistance Program. Roll Call: Jensen, Kuhn, Deaton, Roberts, Hemmen voted yes. Motion carried.

MOTION – Kuhn, Second – Roberts on Resolution No. 16-076 to Amend the Rental Rates for Nord Kalsem Community Building. Current rate is \$25/hour. Amended rate would be Mondays through Thursdays at \$15/hour excluding holidays. Councilman Hemmen stated his opposition to resolution declaring that expenses of building need to be covered. Roll Call: Jensen, Kuhn, Roberts voted yes; Deaton, Hemmen voted no. Motion carried.

MOTION – Jensen, Second – Deaton on First Reading of Ordinance No. 454 for the Division of Taxes Levied on Certain Taxable Property. This action will allow Meadowlane development into new Urban Renewal Area and TIF District. Roll Call: Jensen, Kuhn, Deaton, Roberts, Hemmen voted yes. Motion carried.

MOTION – Deaton, Second – Hemmen on First Reading of Ordinance No. 455 Amending Chapter 93 of the City of Huxley Municipal Code Concerning Water Rates and Amending Chapter 99 of the City of Huxley Municipal Code Concerning Sewer Service Charges. Rate increase proposed is a 2% increase in both water and sewer basic fees and 2.5% increase in consumption usage. Councilman Kuhn voiced opposition and stated the rate change should be an increase in consumption rates only. Roll Call: Deaton, Roberts, Hemmen voted yes; Kuhn, Jensen voted no. Motion carried.

MOTION – Kuhn, Second – Deaton that Trick or Treat Night will be scheduled for Monday, October 31 from 6:00 to 7:30. 5 ayes, 0 nays. Motion carried.

MOTION – Kuhn, Second – Roberts to TABLE Resolution No. 16—077 to Approve Fence Encroachment Agreement. Resident to check on homeowner's insurance coverage since fence will be in city's right-of-way. Roll Call: Kuhn, Jensen, Roberts, Deaton, Hemmen voted yes. Motion carried.

### **Miscellaneous**

Councilman Jensen asked council if Nord Kalsem Community Center should remain standing since building is getting old and not being utilized much. Council consensus was that building should stay.

Councilman Kuhn asked if letters were being mailed to Lynwood residents regarding tree removal. Advised that letter had already been sent.

Councilman Deaton asked status of 28E Agreement discussions between school and city regarding usage of 3C's building. Advised preliminary plan was going to be presented at next school board meeting.

Councilman Hemmen asked status of can trailer and expressed need for one in community. Mayor informed council that trailer was being moved to Cambridge.

Mayor Henry informed council that Hospitality Survey results had been completed and report provided to council. Also informed council of plans to form a Story County Housing Trust committee which could allow access to federal and state grant monies.

Future work session topic: nuisance abatement for property on E. 1<sup>st</sup>. Street.

**ADJOURNMENT:** Motion – Hemmen, Second - Deaton to adjourn meeting at 7:05pm. 5 ayes, 0 nays. Motion carried.

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Craig D. Henry, Mayor

Attest:

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Jolene R. Lettow, City Clerk

**10-11-16 COUNCIL CLAIMS**

|    | A                          | B  | C            |
|----|----------------------------|--|--------------|
| 1  | VENDOR NAME                | DESCRIPTION  | GROSS AMOUNT |
| 2  | AFLAC                      | AFLAC  | \$ 189.26    |
| 3  | ALLIANT ENERGY             | GAS & ELECTRIC   | \$ 9,929.24  |
| 4  | ARCPOINT DES MOINES        | RANDOM DRUG SCREENING                                      | \$ 70.00     |
| 5  | AVESIS INCORPORATED        | VISION INS   | \$ 339.96    |
| 6  | BOOK LOOK                  | BOOKS  | \$ 763.52    |
| 7  | BRICK GENTRY BOWERS SWARTZ | LEGAL FEES   | \$ 4,727.24  |
| 8  | CARPENTER UNIFORM CO.      | NEW DUTY UNIFORMS  | \$ 307.94    |
| 9  | CENTERPOINT LARGE PRINT    | HARDCOVER WESTERNS   | \$ 41.34     |
| 10 | CENTRAL IOWA DISTRIBUTING  | JANITORIAL SUPPLIES  | \$ 251.20    |
| 11 | COMPASS MINERALS AMERICA   | COURSE ROCK SALT   | \$ 3,292.35  |
| 12 | CURTIS FAHRELENDER         | 3C'S MEMBERSHIP REFUND                                     | \$ 72.75     |
| 13 | D.J. GONGOL & ASSOCIATES   | OAK LIFT STATION RELAY PARTS                               | \$ 268.99    |
| 14 | DELTA DENTAL PLAN OF IOWA  | DENTAL INSURANCE   | \$ 1,742.24  |
| 15 | ECMC                       | GARNISHMENT  | \$ 2.50      |
| 16 | EDWARD JONES               | IRA  | \$ 250.00    |
| 17 | ELECTRIC WHOLESALE CO.     | EATON DIN RAIL   | \$ 21.44     |
| 18 | EMC INSURANCE COMPANIES    | DEFENSE EXPENSES   | \$ 1,299.18  |
| 19 | FALLER, KINCHELOE & CO, PL | PREP OF ANNUAL FINANCIAL REPORT                            | \$ 750.00    |
| 20 | FREEDOM TIRE               | TIRE TUBE  | \$ 24.95     |
| 21 | GATEHOUSE MEDIA IOWA HOLDI | LEGAL PUBLICATIONS   | \$ 306.70    |
| 22 | GERED BURKHARDT            | BACKFLOW TESTING & REPORTING                               | \$ 390.00    |
| 23 | GREENLAND HOMES            | BLDG PERMIT DEPOSIT REFUNDS                                | \$ 1,000.00  |
| 24 | HUXLEY COOP TELEPHONE CO.  | PHONE, INTERNET, CABLE                                     | \$ 1,757.11  |
| 25 | INTEGRATED PRINT SOLUTIONS | SOCCER SHIRTS  | \$ 764.75    |
| 26 | INTERNAL REVENUE SERVICE   | PAYROLL TAXES  | \$ 10,091.02 |
| 27 | INTERSTATE ALL BATTERY CEN | FLASHLIGHT BATTERIES                                       | \$ 45.00     |
| 28 | IOWA DNR                   | 2017 ANNUAL WATER USE FEE                                  | \$ 66.00     |
| 29 | IOWA DOT                   | NOZZLE FIRE HOSE   | \$ 54.87     |
| 30 | IOWA DOT                   | 2011 TAHOE   | \$ 9,500.00  |
| 31 | IOWA DOT                   | FOAM EAR PLUGS   | \$ 38.00     |
| 32 | IPERS                      | IPERS  | \$ 12,802.10 |
| 33 | LETTOW, JOLENE             | REIMBURSEMENT FOR MEAL AT GCMOA                            | \$ 13.12     |
| 34 | LIBERTY READY MIX          | CONCRETE   | \$ 342.50    |
| 35 | LINCOLN FINANCIAL GROUP    | LIFE & DISABILITY INSURANCE                                | \$ 973.50    |
| 36 | LOWE'S                     | WEED EATER STRING, ORANGE PAINT, CAULK, WIRE WHEEL, FAUCET | \$ 94.04     |
| 37 | MARTIN BROS                | JANITORIAL SUPPLIES  | \$ 267.72    |
| 38 | MARTIN OIL WHOLESALE       | UNLEADED AND DIESEL FUEL                                   | \$ 1,625.07  |
| 39 | MASS MUTUAL RETIREMENT SER | DEFERRED COMPENSATION                                      | \$ 250.00    |
| 40 | MIDWEST QUALITY WHOLESALE  | CASE OF LAUNDRY SOAP                                       | \$ 49.85     |
| 41 | MISCELLANEOUS VENDOR       | UTILITY REFUNDS  | \$ 136.57    |
| 42 | NICKOLAY CONSULTING, LLC   | SEPTEMBER IT WORK  | \$ 502.49    |
| 43 | NOVA FITNESS EQUIPMENT     | PREVENTATIVE MAINTENANCE                                   | \$ 347.00    |
| 44 | O'HALLORAN INTERNATIONAL   | ABS S ENSOR '07 SNOW PLOW                                  | \$ 65.89     |

**10-11-16 COUNCIL CLAIMS**

|    | A                            | B                                  | C                    |
|----|------------------------------|------------------------------------|----------------------|
| 45 | OXEN TECHNOLOGY              | MICROSOFT EXCHANGE ONLINE          | \$ 84.00             |
| 46 | QUICK'S HARDWARE HANK        | SEE ATTACHED                       | \$ 317.16            |
| 47 | RELIASTAR LIFE INSURANCE C   | LIFE INSURANCE                     | \$ 374.14            |
| 48 | SAFE BUILDING COMPLIANCE &   | BUILDING INSPECTIONS               | \$ 3,247.11          |
| 49 | SIGN PRO                     | CITY DECAL ON TAHOE                | \$ 120.00            |
| 50 | STAPLES ADVANTAGE            | COPY PAPER, INK, COLOR PAPER, MISC | \$ 380.48            |
| 51 | STORY COUNTY RECORDER        | QUIT CLAIM DEED                    | \$ 22.00             |
| 52 | STORY COUNTY TREASURER       | PRAIRIE RIDGE PROPERTY TAXES       | \$ 2,364.00          |
| 53 | TASC                         | FLEX BENEFIT PLANS                 | \$ 570.80            |
| 54 | TASC - CLIENT INVOICES       | NOV. FLEX PLAN ADMIN FEE           | \$ 62.91             |
| 55 | TREASURER, STATE OF IOWA     | STATE WITHHOLDING                  | \$ 3,386.00          |
| 56 | UHC PLAN OF THE RIVER VALL   | MEDICAL INSURANCE                  | \$ 15,309.20         |
| 57 | USA BLUEBOOK                 | CHEMICAL DRUM PUMP                 | \$ 94.95             |
| 58 | VALIC                        | DEFERRED COMPENSATION              | \$ 146.08            |
| 59 | VAN-WALL EQUIPMENT INC.      | TIRE                               | \$ 89.95             |
| 60 | VEENSTRA & KIMM, INC.        | HEART OF IOWA TRAIL CONST.         | \$ 7,020.72          |
| 61 | VERIZON WIRELESS             | ADMIN CELL PHONE                   | \$ 44.55             |
| 62 | WINDSTREAM IOWA COMMUNICAT   | PD PHONE AT DISPATCH               | \$ 69.74             |
| 63 | Payroll Expense              |                                    | \$ 44,993.11         |
| 64 | <b>GRAND TOTAL</b>           |                                    | <b>\$ 144,524.30</b> |
| 65 |                              |                                    |                      |
| 66 |                              | <b>FUND TOTALS</b>                 |                      |
| 67 | 001 GENERAL FUND             | \$ 37,270.29                       |                      |
| 68 | 002 LIBRARY                  | \$ 7,361.21                        |                      |
| 69 | 003 RECREATION               | \$ 5,239.56                        |                      |
| 70 | 004 FIRE AND RESCUE          | \$ 646.25                          |                      |
| 71 | 014 AMBULANCE                | \$ 674.48                          |                      |
| 72 | 100 PRAIRIE RIDGE DEVELOPMEN | \$ 2,464.00                        |                      |
| 73 | 110 ROAD USE TAX             | \$ 14,022.26                       |                      |
| 74 | 340 TRAIL PAVING PROJECT     | \$ 7,020.72                        |                      |
| 75 | 600 WATER UTILITY            | \$ 13,687.91                       |                      |
| 76 | 610 SEWER UTILITY            | \$ 11,144.51                       |                      |
| 77 | 01 PAYROLL EXPENSE           | \$ 44,993.11                       |                      |
| 78 | <b>GRAND TOTAL</b>           | <b>\$ 144,524.30</b>               |                      |

**QUICKS BREAKDOWN**

| <b>Dept.</b> | <b>Amount</b>    | <b>Description</b>   |
|--------------|------------------|--|
| Library      | \$ 3.38          | magnetic strip   |
| Grounds      | \$ 19.99         | wall clock for safe room   |
| P & R        | \$ 35.65         | cotter pins, door bottom, key,   |
| Parks        | \$ 67.76         | lags, flats, socket adapter, wrench, wall insulator, wasp killer, carriage bolt, |
| Water        | \$ 26.69         | off, battery, screws, plumbers putty, slipnut washer, kit basket strain          |
| Admin        | \$ 45.15         | power strip  |
| Streets      | \$ 18.86         | black spray paint, washers, nuts, hardware, de-sol-it trigger                    |
| Wastewater   | \$ 99.68         | drum pump, light bulbs, power cord, propane torch, ring terminal, shrink tube,   |
| <b>Total</b> | <b>\$ 317.16</b> |  |

**Applicant License Application ( WBN000696 )**

|                                |                           |                |                                       |
|--------------------------------|---------------------------|----------------|---------------------------------------|
| <b>Name of Applicant:</b>      | <u>Marjorie Sheldahl</u>  |                |                                       |
| <b>Name of Business (DBA):</b> | <u>Blumesters on Main</u> |                |                                       |
| <b>Address of Premises:</b>    | <u>107 S Main</u>         |                |                                       |
| <b>City</b>                    | <u>Huxley</u>             | <b>County:</b> | <u>Story</u> <b>Zip:</b> <u>50124</u> |
| <b>Business</b>                | <u>(515) 597-2200</u>     |                |                                       |
| <b>Mailing</b>                 | <u>107 S Main</u>         |                |                                       |
| <b>City</b>                    | <u>Huxley</u>             | <b>State</b>   | <u>IA</u> <b>Zip:</b> <u>50124</u>    |

**Contact Person**

|               |                       |              |                                   |
|---------------|-----------------------|--------------|-----------------------------------|
| <b>Name</b>   | <u>Tracy Sheldahl</u> |              |                                   |
| <b>Phone:</b> | <u>(515) 597-2200</u> | <b>Email</b> | <u>sandsinsurance@huxcomm.net</u> |

**Classification** Class B Native Wine Permit (WBN)

**Term:** 12 months

**Effective Date:** 12/13/2015

**Expiration Date:** 12/12/2016

**Privileges:**

Class B Native Wine Permit (WBN)

Sunday Sales

**Status of Business**

|                             |                            |                            |                    |
|-----------------------------|----------------------------|----------------------------|--------------------|
| <b>BusinessType:</b>        | <u>Sole Proprietorship</u> |                            |                    |
| <b>Corporate ID Number:</b> |                            | <b>Federal Employer ID</b> | <u>Applied For</u> |

**Ownership**

**Marjorie Sheldahl**

**First Name:** Marjorie

**Last Name:** Sheldahl

**City:**

**State:** Iowa

**Zip:** 50124

**Position:** Owner

**% of Ownership:** 100.00%

**U.S. Citizen:** Yes

**Arlin Sheldahl**

**First Name:** Arlin

**Last Name:** Sheldahl

**City:** Huxley

**State:** Iowa

**Zip:** 50124

**Position:** none

**% of Ownership:** 0.00%

**U.S. Citizen:** Yes

**Insurance Company Information**

|                           |
|---------------------------|
| <b>Insurance Company:</b> |
|---------------------------|

# FINANCE

## ORDINANCE 455

### AN ORDINANCE AMENDING CHAPTER 93 OF THE CITY OF HUXLEY MUNICIPAL CODE CONCERNING WATER RATES AND AMENDING CHAPTER 99 OF THE CITY OF HUXLEY MUNICIPAL CODE CONCERNING SEWER SERVICE CHARGES.

**Section 1.** Be it ordained by the City Council of the City of Huxley, Iowa, that the following sections and subsections of the Municipal Code of the City of Huxley, Iowa, should be and the same is hereby repealed, and there be enacted in lieu thereof, the following sections and subsections:

**Water Rates, Subsection 93.02(1) and (2)** shall be repealed in their entirety and in lieu thereof replaced with the following:

On January 1, 2017, the rates shall automatically increase to the following amounts:

- (1) Basic User Fee shall increase to \$17.15 per month.
- (2) Usage Rate shall increase to \$4.45 per 1,000 gallons of water used per month.

**Sanitary Sewer Charges, Subsection 99.01(1), (2) and (3)** shall be repealed in their entirety and in lieu thereof replaced with the following:

On January 1, 2017, the rates shall automatically increase to the following amounts:

- (1) Basic User Fee shall increase to \$25.00 per month.
- (2) Usage Rate shall increase to \$4.45 per 1,000 gallons of water used per month.
- (3) Debt Service Levy. Beginning with the Fiscal Year 2013 Budget, a Debt Service Levy of \$2.55 per \$1,000 taxable valuation was put in place as part of the City's tax levy and it was to be used toward the retirement of general obligation bond payments sold for payment of a new wastewater facility. With this ordinance this section remains in force.

**Section 3.** All rates and levies associated with this ordinance shall be reviewed again within 1 year of the implementation of this ordinance.

**Section 4.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 5.** This ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

**First Reading** \_\_\_\_\_ (Date)

| Roll Call      | Aye | Nay | Absent |
|----------------|-----|-----|--------|
| Kevin Deaton   | ___ | ___ | ___    |
| Craig Hemmen   | ___ | ___ | ___    |
| David Jensen   | ___ | ___ | ___    |
| Dave Kuhn      | ___ | ___ | ___    |
| Tracey Roberts | ___ | ___ | ___    |

**Second Reading** \_\_\_\_\_ (Date)

| Roll Call      | Aye | Nay | Absent |
|----------------|-----|-----|--------|
| Kevin Deaton   | ___ | ___ | ___    |
| Craig Hemmen   | ___ | ___ | ___    |
| David Jensen   | ___ | ___ | ___    |
| Dave Kuhn      | ___ | ___ | ___    |
| Tracey Roberts | ___ | ___ | ___    |

**Third Reading** \_\_\_\_\_ (Date)

| Roll Call      | Aye | Nay | Absent |
|----------------|-----|-----|--------|
| Kevin Deaton   | ___ | ___ | ___    |
| Craig Hemmen   | ___ | ___ | ___    |
| David Jensen   | ___ | ___ | ___    |
| Dave Kuhn      | ___ | ___ | ___    |
| Tracey Roberts | ___ | ___ | ___    |

Passed and approved by the Council of the City of Huxley, Iowa, on October \_\_\_\_, 2016.

\_\_\_\_\_  
Craig D. Henry, Mayor

ATTEST:

\_\_\_\_\_  
Jolene Lettow, City Clerk

Publication Date: \_\_\_\_\_

Prepared by John Danos, Dorsey & Whitney, City's Bonding Attorney for the City of Huxley, Iowa and reformatted by John Haldeman, City Administrator for the City Council meeting to be held on the 27th day of September, 2016.

**ORDINANCE NO. 454**

**AN ORDINANCE PROVIDING FOR THE DIVISION OF TAXES LEVIED ON CERTAIN TAXABLE PROPERTY IN THE HUXLEY HOUSING URBAN RENEWAL AREA, PURSUANT TO SECTION 403.19 OF THE CODE OF IOWA**

BE IT ENACTED by the City Council of the City of Huxley, Iowa:

Section 1. Purpose. The purpose of this ordinance is to provide for the division of taxes levied on certain taxable property in the Huxley Housing Urban Renewal Area, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Huxley to finance projects in such area.

Section 2. Definitions. For use within this ordinance the following terms shall have the following meanings:

"City" shall mean the City of Huxley, Iowa.

"County" shall mean Story County, Iowa.

"Urban Renewal Area" shall mean the Huxley Housing Urban Renewal Area, the taxable parcels situated within the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the City Council by resolution adopted on August 23, 2016:

A PARCEL OF LAND IN OUTLOT X AND OUTLOT Y, MEADOW LANE PLAT 1 EAST, AN OFFICIAL PLAT, RECORDED IN INSTRUMENT NUMBER 2005-00013561, CITY OF HUXLEY, STORY COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS:

- BEGINNING AT THE NORTHWEST CORNER OF SAID OUTLOT 'X', SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 11 OF SAID MEADOW LANE PLAT 1 EAST
- THENCE S89°46'56"E, 188.24 FEET ALONG THE NORTH LINE OF OUTLOT 'X', SAID LINE ALSO BEING THE SOUTH LINE OF SAID LOT 11, TO THE SW CORNER OF LOT 'D' OF SAID MEADOW LANE PLAT 1 EAST
- THENCE N00°04'20"E, 10.89 FEET ALONG THE EAST LINE OF SAID LOT 'D', AND SAID NORTH LINE OF OUTLOT 'X', TO THE SW CORNER OF LOT 12 OF SAID MEADOW LANE PLAT 1 EAST

- THENCE N89°52'12"E, 125.02 FEET ALONG THE SOUTH LINE OF SAID LOT 12, AND SAID NORTH LINE OF OUTLOT 'X', TO THE SE CORNER OF SAID LOT 12, SAID POINT ALSO BEING THE NE CORNER OF SAID OUTLOT 'X'
- THENCE S00°04'36"W, 630.45 FEET ALONG THE EAST LINE OF SAID OUTLOT 'X' TO A POINT
- THENCE S21°29'12"E, 62.50 FEET TO A POINT
- THENCE EASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 330.00 FEET, A CHORD BEARING OF N70°59'44"E, AN ARC LENGTH OF 26.88 FEET TO A POINT
- THENCE S16°40'15"E, 60.00 FEET TO A POINT
- THENCE S00°17'53"W, 143.22 FEET TO A POINT
- THENCE N89°44'20"W, 376.42 FEET ALONG THE SOUTH LINE OF SAID OUTLOT 'Y' TO THE SW CORNER OF OUTLOT 'Y', SAID POINT ALSO BEING THE SE CORNER OF OUTLOT Y, HUXLEY TOWNHOMES, HUXLEY, IOWA, AN OFFICIAL PLAT, RECORDED IN INSTRUMENT NUMBER 02-20301 ON DECEMBER 13, 2002
- THENCE N00°01'26"W, 163.57 FEET ALONG THE WEST LINE OF OUTLOT 'Y' SAID LINE ALSO BEING THE EAST LINE OF SAID OUTLOT Y, HUXLEY TOWNHOMES, TO THE NE CORNER OF SAID OUTLOT Y, HUXLEY TOWNHOMES, SAID POINT ALSO BEING ON THE SOUTH LINE OF SAID OUTLOT 'X'
- THENCE N89°02'43"W, 30.06 FEET ALONG THE SOUTH LINE OF OUTLOT 'X', SAID LINE ALSO BEING THE NORTH LINE OF SAID OUTLOT Y, HUXLEY TOWNHOMES, TO THE SW CORNER OF OUTLOT 'X' AND THE SE CORNER OF LOT 7, MEADOW VIEW PLAT 1, AN OFFICIAL PLAT, RECORDED IN INSTRUMENT NUMBER 96-07229
- THENCE N00°03'01"W, 138.95 FEET ALONG THE WEST LINE OF OUTLOT 'X' AND EAST LINE OF SAID LOT 7, TO THE NE CORNER OF SAID LOT 7, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF EAST 5<sup>TH</sup> STREET
- THENCE N89°31'14"E, 9.95 FEET ALONG SAID WEST LINE OF OUTLOT 'X' AND SAID SOUTH RIGHT-OF-WAY LINE
- THENCE N18°28'04"E, 63.21 FEET ALONG SAID WEST LINE OF OUTLOT 'X', TO THE SE CORNER OF LOT 8, SAID MEADOW VIEW PLAT 1
- THENCE N00°03'31"W, 505.32 FEET ALONG THE SAID WEST LINE OF OUTLOT 'X', AND THE EAST LINE OF SAID MEADOW VIEW PLAT 1, TO THE POINT OF BEGINNING

*ALL CONTAINING 6.67 ACRES MORE OR LESS*

## PHASE II

A PARCEL OF LAND IN OUTLOT 'Y', MEADOW LANE PLAT 1 EAST, AN OFFICIAL PLAT, RECORDED IN INSTRUMENT NUMBER 2005-00013561, CITY OF HUXLEY, STORY COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE NE CORNER OF LOT 'A' IN SAID PLAT; THENCE N00°10'50"W, 225.10 FEET TO A POINT ON THE NORTH LINE OF SAID OUTLOT 'Y'; THENCE N58°47'58"E, 136.64 FEET ALONG SAID NORTH LINE TO A POINT; THENCE N89°11'53"E, 193.32 FEET ALONG SAID NORTH LINE TO A POINT; THENCE S00°08'20"W, 1085.96 FEET TO A POINT; THENCE N89°51'40"W, 185.00 FEET TO A POINT; THENCE N00°08'20"E, 32.66 FEET TO A POINT; THENCE N89°51'40"W, 125.01 FEET TO A POINT ON THE WEST LINE OF SAID OUTLOT 'Y'; THENCE N00°08'20"E, 693.98 FEET ALONG SAID WEST LINE TO A POINT, SAID POINT ALSO

BEING THE SE CORNER OF SAID LOT 'A'; THENCE N01°20'56"E, 60.00 FEET ALONG THE EAST LINE OF SAID LOT 'A' TO THE POINT OF BEGINNING AND CONTAINING 7.52 ACRES.

Section 3. Provisions for Division of Taxes Levied on Taxable Property in the Urban Renewal Area. After the effective date of this ordinance, the taxes levied on the taxable property in the Urban Renewal Area each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which the Urban Renewal Area is located, shall be divided as follows:

(a) that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Urban Renewal Area to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

(b) that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area, and to provide assistance for low and moderate-income family housing as provided in Section 403.22, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the Code of Iowa, taxes for the instructional support levy program of a school district imposed pursuant to Section 257.19 of the Code of Iowa, and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

(c) the portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area.

(d) as used in this section, the word “taxes” includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

**Section 4. Repealer.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 5. Saving Clause.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**Effective Date.** This ordinance shall be effective after its final passage, approval and publication as provided by law.

**First Reading** \_\_\_\_\_ (Date)

| Roll Call      | Aye | Nay | Absent |
|----------------|-----|-----|--------|
| Kevin Deaton   | —   | —   | —      |
| Craig Hemmen   | —   | —   | —      |
| David Jensen   | —   | —   | —      |
| Dave Kuhn      | —   | —   | —      |
| Tracey Roberts | —   | —   | —      |

**Second Reading** \_\_\_\_\_ (Date)

| Roll Call      | Aye | Nay | Absent |
|----------------|-----|-----|--------|
| Kevin Deaton   | —   | —   | —      |
| Craig Hemmen   | —   | —   | —      |
| David Jensen   | —   | —   | —      |
| Dave Kuhn      | —   | —   | —      |
| Tracey Roberts | —   | —   | —      |

| Third Reading _____ (Date) |     |     |        |
|----------------------------|-----|-----|--------|
| Roll Call                  | Aye | Nay | Absent |
| Kevin Deaton               | ___ | ___ | ___    |
| Craig Hemmen               | ___ | ___ | ___    |
| David Jensen               | ___ | ___ | ___    |
| Dave Kuhn                  | ___ | ___ | ___    |
| Tracey Roberts             | ___ | ___ | ___    |

Passed and approved by the Council of the City of Huxley, Iowa, on October \_\_\_\_, 2016.

\_\_\_\_\_  
Craig D. Henry, Mayor

ATTEST:

\_\_\_\_\_  
Jolene Lettow, City Clerk

Publication Date: \_\_\_\_\_

**ADMINISTRATIVE  
BUSINESS**

**RESOLUTION NO. 16-077**

**RESOLUTION APPROVING FENCE ENCROACHMENT AGREEMENT  
WITH CATHLYN AND PAUL FREY**

***BE IT RESOLVED, THEREFORE***, that the City Council of Huxley, Iowa does hereby approve the Fence Encroachment Agreement with Paul and Cathlyn Frey, **as attached** and authorizes the Mayor to sign.

| <b>Roll Call</b>      | <b>Aye</b> | <b>Nay</b> | <b>Absent</b> |
|-----------------------|------------|------------|---------------|
| <b>Kevin Deaton</b>   | —          | —          | —             |
| <b>Craig Hemmen</b>   | —          | —          | —             |
| <b>Dave Jensen</b>    | —          | —          | —             |
| <b>Dave Kuhn</b>      | —          | —          | —             |
| <b>Tracey Roberts</b> | —          | —          | —             |

***PASSED, ADOPTED AND APPROVED*** this \_\_\_th day of October, 2016.

**APPROVAL BY MAYOR**

I hereby approve the foregoing **Resolution No. 16-077** by affixing below my official signature as Mayor of the City of Huxley, Iowa, this \_\_th day of October, 2016.

\_\_\_\_\_  
Craig D. Henry, Mayor

ATTEST:

\_\_\_\_\_  
Jolene Lettow, City Clerk

## John Haldeman

---

**From:** Amy Beattie [Amy.Beattie@brickgentrylaw.com]  
**Sent:** Friday, September 16, 2016 10:16 AM  
**To:** Jeff Peterson  
**Cc:** John Haldeman  
**Subject:** Re: 16.09.06 Fence Encroachment Agreement.doc  
**Attachments:** 16.09.16 Fence Encroachment Agreement.doc; ATT00001.txt

It is the City Council's call as to whether it wants the last sentence concerning the insurance removed. We could always remove the naming of the city as an additional insured and just request evidence of insurance. But the response on the City's insurance is that the City has insurance to cover its own liability. If you remove the reference to adding the City as an additional insured the agreement would read as attached. Amy.

WHEN RECORDED RETURN TO:

Preparer Information: Amy S. Beattie, 6701 Westown Parkway, Suite 100, West Des Moines, Iowa 50266 (515) 274-1450  
SPACE ABOVE THIS LINE FOR RECORDER

### Fence Encroachment Agreement

Whereas, Paul Frey and Cathlyn Frey (hereinafter "Frey") have requested permission to place a fence in a portion of the City of Huxley (hereinafter the "City") right of way, more particularly described as follows:

Right of Way adjacent to 201 Oak Boulevard, Huxley, Iowa,  
legally described as Lot 3 in Northpark Estates Plat No. 1  
(hereinafter "Right of Way").

and;

Whereas, the City is agreeable to allowing Frey to place the fence in a portion of the Right of Way under the terms and conditions stated herein.

Now, Therefore, it is hereby agreed as follows:

1. The City agrees to allow Frey to place the fence in a portion of the City's Right of Way which fence shall be placed at least three (3) feet from the City's sidewalk. Said fence installation shall otherwise comply with all agreements, ordinances and laws.
2. Frey, and/or Frey's successor-in-interest, agree to remove the fence, at no cost to the City, within seven (7) days of the City's request for said removal, for any reason, including the need to work on the sidewalk, utilities or roadway within the Right of Way. If Frey, and/or Frey's successor-in-interest, fails to remove said fence within seven (7) days of the City's request then the City shall have the right to remove said fence at Frey, and/or Frey's successor-in-interest, cost. In the event of a need for an emergency repair, the City shall have the right to remove said fence and bill the cost to Frey and/or Frey's successor-in-interest and Frey and/or Frey's successor-in-interest agrees to pay such cost.
3. The City agrees that in the event the fence is removed, and if at the time the fence is removed it is a legal nonconforming use, Frey shall have the right to rebuild the same fence that was removed in the same or a comparable location, at Frey expense.
4. Frey agrees to protect and indemnify and hold harmless the City from and against any and all loss, cost, damages and expenses occasioned by, or arising out of, any accident or other occurrence causing or inflicting injury and/or damage to any person or property happening or done, in, upon or about the City Right of Way, or due directly or indirectly to Frey use of the City's Right of Way, or any part thereof. Frey further agrees that they will at their own expense,

procure and maintain casualty and public liability insurance with a responsible company or companies authorized to do business in Iowa, protecting any person or persons and any property belonging to any person or persons, by reason of such casualty, accident or other happening on or about the City Right of Way.

In Witness Whereof, the parties have caused this Agreement to be duly executed.

Dated this \_\_\_\_ day of October, 2016.

**City of Huxley, Iowa**

**Paul Frey and Cathlyn Frey**

By: \_\_\_\_\_  
Craig Henry, Mayor

\_\_\_\_\_

Attest:

\_\_\_\_\_

By: \_\_\_\_\_  
Jolene Lettow, City Clerk

STATE OF IOWA, COUNTY OF STORY, ss:

STATE OF IOWA, COUNTY OF STORY, ss:

On the \_\_\_\_ day of \_\_\_\_\_, 2016, before me, the undersigned a Notary Public in and for the State of Iowa, personally appeared **CRAIG HENRY** and **Jolene Lettow**, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk of the City of Huxley, Iowa, a municipal corporation; that the seal affixed to the above and foregoing instrument is the corporate seal of said municipal corporation, and that said instrument was Fence Encroachment and contained in the Resolution adopted by the City Council of Huxley, Iowa, on the \_\_\_\_ day of \_\_\_\_\_, 2016, and the said **CRAIG HENRY** and **Jolene Lettow** acknowledged the execution of said instrument to be their voluntary act and deed and the voluntary act and deed of said municipal corporation, by it and by them voluntarily executed.

On the \_\_\_\_ day of \_\_\_\_\_, 2016, before me, the undersigned a Notary Public in and for the State of Iowa, personally appeared Paul Frey and Cathlyn Frey and executed the foregoing instrument.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

\_\_\_\_\_  
Notary Public in and for the State of Iowa

## John Haldeman

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**From:** Paul Frey [paulfrey@pacbell.net]  
**Sent:** Monday, October 03, 2016 6:42 AM  
**To:** John Haldeman  
**Cc:** David Jensen  
**Subject:** Insurance question  
**Attachments:** Insurance coverage.pdf

John,

I have attached a letter from my insurance agent verifying that our insurance would cover a fence placed within the right of way adjacent to our property.

Paul Frey

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**Pat Brown, Agent**

1112 Buckeye Ave  
Ames, IA 50010-8063  
Bus 515 233 1295  
pat.brown.bzr7@statefarm.com



September 29, 2016

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Dear Mr. Frey:

If you own the fence that is erected to prevent someone from falling into the drainage ditch, you are covered for all direct, accidental loss just as you are covered on your home. You have ten percent of your dwelling coverage for property you own and have off the premises of your home.

*Pat Brown*

Pat Brown, CLU